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10/061,656	02/01/2002	Rajasekhar Abburi	MS#183195.1 (MSFT4967)	1819

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SENNIGER POWERS LEAVITT AND ROEDEL  
ONE METROPOLITAN SQUARE  
16TH FLOOR  
ST LOUIS, MO 63102

EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2645	6

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/061,656

**Applicant(s)**

ABBURI, RAJASEKHAR

**Examiner**

Gerald Gauthier

**Art Unit**

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-37,47,48,50 and 55-58 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13,16-37,47,48,50 and 55-58 is/are rejected.  
7) ☒ Claim(s) 14 and 15 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-13 and 16-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman et al. (US 5,568,539) in view of Picard et al. (US 6,233,318) and in further view of Groner (US 6,507,643).

Regarding **claims 1-13 and 16-17**, the rejection of the previous office action remained.

3. **Claims 18-24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman in view of Sagi et al. (US 2003/0087632).

Regarding **claim 18**, Bergsman discloses an apparatus for recording and sending audio messages to an interactive voice response system (300 on FIG. 3) coupled to a communications network (355 on FIG. 3) for delivery to a recipient (column 1, lines 11-15), the apparatus comprising:

a processor (310 on FIG. 3), a memory device (305 on FIG. 3), computer instructions (325 on FIG. 3) stored in the memory device, a microphone (350 on FIG. 3), and an interface (320 on FIG. 3) to a communications network (355 on FIG. 3),

the computer instructions configuring the processor to record in an audio file (column 8, line 12 "creating audio voice messages), in response to input from a user (column 8, line 14 "to enable callers"), an audio message (column 8, line 12 "creating audio voice messages) provided by the user to the microphone, and to transfer the audio file in which the audio message is recorded to the communications network via the interface (column 8, lines 3-18) [The computer system enables callers to create audio voice messages and creates administrative control to deliver the messages],

whereby the audio message recorded in the audio file may be transmitted through the communications network for delivery to the recipient via one or more remote devices specified in a profile of the recipient (column 8, lines 31-42) [The computer system executes the instructions to convert the digital signals in audio signals that it supplies to the user].

Bergsman discloses transmitting the message to the user but fails to disclose delivery to the recipient based on recipient profile.

However, Sagi teaches a communication network that retrieves a subscriber's profile and based on the information in the profile forward the message to the subscriber (¶ 0013).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bergsman using the subscriber's profile database as taught by Sagi.

This modification of Sagi would enable the system to retrieve a user profile so that the subscriber would receive the message using the profile information.

Regarding **claim 19**, Bergsman discloses the computer instructions configure the processor to compress the audio file prior to transferring the audio file to the communications network via the interface (column 3, lines 1-12).

Regarding **claim 20**, Bergsman discloses restricting a length of each voice message to less than one minute (column 4, lines 63-67).

Regarding **claim 21**, Bergsman discloses the input from the user includes information identifying one or more individuals to whom the audio message should be sent, and wherein the computer instructions configure the processor to record the information in the audio file (column 3, lines 1-12).

Regarding **claim 22**, Bergsman discloses the computer instructions configure the processor to record information identifying the user in the audio file (column 3, lines 1-12).

Regarding **claim 23**, Bergsman discloses the apparatus is a telephony device, and wherein the communications network includes a telephony network (column 8, lines 3-18).

Regarding **claim 24**, Sagi teaches the telephony device is a mobile telephony device, and wherein the telephony network is a wireless telephony network (§ 0014).

4. **Claims 25-26, 28-37, 47-48 and 50** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman in view of Sagi and in further view of Picard.

Regarding **claim 28**, Bergsman discloses a method for recording and sending an audio message to an interactive voice response system (300 on FIG. 3) coupled to a communications network (355 on FIG. 3) for delivery to a recipient using a computer device (350 on FIG. 3) having a microphone and a network interface (column 1, lines 11-15), the method comprising:

receiving the audio message (column 3, line 1 "audio voice messages") from a user through the microphone (column 2, line 63 to column 3, line 12) [The interactive message delivery system receives the audio messages with a specific phone number of a particular recipient];

recording the received audio message in an audio file (column 3, lines 1-12) [The interactive message delivery system store the audio messages for delivery to a particular recipient]; and

sending the audio file to the network interface for delivery to the recipient via the IVR system through the communications network, (column 5, lines 39-67) [The interactive message delivery system contacts the intended recipient and provides options for delivering the audio messages].

Bergsman discloses sending the voice message to the subscriber but fails to disclose the audio file being communicated to the recipient via one or more devices specified in a profile of the recipient.

However, Sagi teaches the audio file being communicated to the recipient via one or more devices specified in a profile of the recipient (§ 0013).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bergsman using the subscriber's profile database as taught by Sagi.

This modification of Sagi would enable the system to retrieve a user profile so that the subscriber would receive the message using the profile information.

Bergsman discloses telephone device but fails to disclose individuals accessible through computer devices located on the network.

However, Picard teaches individuals accessible through computer devices located on the network (column 5, lines 4-21) [The subscriber uses a personal computer located in the network to access the messages].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the integrated messaging system of Picard in the invention of Bergsman.

The modification of the invention would offer the capability of individuals accessible through computer devices such as the system would allow a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Regarding **claim 25**, Picard teaches the apparatus is a computer device, and wherein the communications network includes a computer network (column 9, lines 28-39).

Regarding **claim 26**, Picard teaches wherein the computer network is the Internet (112 on FIG. 4).

Regarding **claim 27**, Sagi teaches the computer device is a handheld computer device (¶ 0013).

Regarding **claim 29**, Bergsman discloses recording includes recording the audio message in the audio file as the audio message is received (column 2, lines 64-67).



Regarding **claim 30**, Bergsman discloses the audio message is a message spoken by the user (column 3, lines 1-12).

Regarding **claim 31**, Bergsman discloses compressing the audio file prior to sending (column 3, lines 1-12).

Regarding **claim 32**, Bergsman discloses the computer instructions configure the processor to record information identifying the user in the audio file (column 3, lines 1-12).

Regarding **claim 33**, Bergsman discloses providing the user with a list of individuals to whom the audio message may be sent, and wherein receiving information includes receiving one or more selections by the user from the list (column 3, lines 13-33).

Regarding **claim 34**, Bergsman discloses supporting instant text messaging between the user and the individuals of the list (column 3, lines 13-33).

Regarding **claim 35**, Bergsman discloses a computer-readable medium having computer-executable instructions for performing the method (column 8, lines 3-18).

Regarding **claim 36**, Bergsman discloses receiving information includes receiving information for addressing one or more devices associated with the one or more individuals (column 8, lines 3-18).

Regarding **claims 37 and 50**, Bergsman discloses computer-readable medium having computer-executable instructions for performing the method (column 8, lines 3-18).

Regarding **claim 47**, Bergsman discloses a method (column 1, lines 11-15) comprising:

receiving a voice message (column 3, line 1 "audio voice messages") on behalf of an intended recipient (column 2, line 63 to column 3, line 12) [The interactive message delivery system receives the audio messages with a specific phone number of a particular recipient];

storing the received voice message (column 3, lines 1-12) [The interactive message delivery system store the audio messages for delivery to a particular recipient];

Bergsman discloses delivering the user's message based on the user's device but fails to disclose receiving information from the intended recipient specifying a device through which the intended recipient desires to receive the voice messages contacting the device specified by the intended recipient delivering the voice message to the intended recipient through the specified device.

However, Sagi teaches receiving information from the intended recipient specifying a device through which the intended recipient desires to receive the voice messages (§ 0013);

contacting the device specified by the intended recipient (§ 0013); and  
delivering the voice message to the intended recipient through the specified device (§ 0013).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify Bergsman using the subscriber's profile database as taught by Sagi.

This modification of Sagi would enable the system to retrieve a user profile so that the subscriber would receive the message using the profile information.

Bergsman discloses sending an audio voice message but fails to disclose sending an electronic message to the intended recipient, the electronic message including a hyperlink to the stored voice message, whereby the intended recipient can retrieve the stored voice message by selecting the hyperlink.

However, Picard teaches sending an electronic message to the intended recipient, the electronic message including a hyperlink to the stored voice message, whereby the intended recipient can retrieve the stored voice message by selecting the hyperlink (column 9, lines 28-67) [The subscriber uses a personal computer to access the messages and receives an email with an hyperlink].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the integrated messaging system of Picard in the invention of Bergsman.

The modification of the invention would offer the capability of an electronic message to the intended recipient such as the system would allow a subscriber to access stored messages over the telephone and the computer for organizing group list administration of the messages.

Regarding **claim 48**, Bergsman discloses automatically generating the voice message upon occurrence of a predefined event (column 3, lines 13-33).

5. **Claims 55-58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergsman in view of Picard.

Regarding **claims 55-58**, the rejection of the previous office action remained.

### ***Response to Arguments***

6. Applicant's arguments filed May 11, 2004 have been fully considered but they are not persuasive.

The applicant argues on page 12, ¶ 1st that Groner reference is entirely silent as to a user profile specifying one or more communication devices for receiving delivery or notification of voice messages.

The examiner respectfully disagrees.

Groner teaches that the system determines how to send messages to the subscriber by accessing their profile and based on specific information forward the messages to the subscriber (column 9, lines 30-39).

The applicant argues on page 14, ¶ 3rd that Picard reference fails to teach receiving information from a first device associated with the user, contacting the user via a second device, and receiving an audio message from the second device.

The examiner respectfully disagrees.

Picard teaches that the system to output to a conventional telephone a non-voice message, converts non-voice messages to voices messages based on the device used by the receiver and the messages are forwarded to both the conventional telephone and the receiver PC interface. The message receiver is contacted and the message is delivered to its device (column 8, lines 21-67).

#### ***Allowable Subject Matter***

7. **Claims 14 and 15** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

Regarding **claims 14 and 15**, the prior art of record fails at this time to teach an intended recipient of voice messages has a presence on the network, if so, sending a pop-up text message to such intended recipient.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

g.g.

July 20, 2004

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
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